



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/015,026

12/11/2001

Gautam Bhargava

VIAL001

6332

7590

06/18/2004

William L. Botjer

P.O. Box 478

Center Moriches, NY 11934

EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

8

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,026

Applicant(s)

BHARGAVA ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-29 and 31-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15, 19-26, 28 and 31-37 is/are rejected.
7) ☐ Claim(s) 16, 17, 27, 29 and 38 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 25, 2004 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-17, 19-29 and 31-38** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 1**, line 16 "without prompting the user for inputs" is a negative limitation that rendered the claim indefinite because it was an attempt to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent.

Claims 15 and 28 have the same problem.

Claims 2-14, 16-17, 19-27, 29 and 31-38 are rejected, by being dependent of rejected independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1-4, 6-11, 13-35, 19-24, 28 and 31-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,748,974) in view of Milewski et al. (US 6,501,834).

Regarding **claim 1**, Johnson discloses a system for providing voice activated access to information from a plurality of data sources and voice repositories in a single phone call session (column 1, lines 8-14), the system comprising:

a speech recognizer (Speech Recognizer 41 on FIG. 2) for recognizing user's voice commands;

a multi-level voice grammars (Grammars 47 on FIG. 2) that spans relevant contexts for all data sources and voice repositories (column 3, line 63 to column 4, line 17) [The natural language processor 45 directs the combined multimodal input to an interpreter 46 which access the grammars and dictionaries], the multi-level voice grammar including:

means for automatically identifying the contexts of the recognized commands by analyzing the recognized voice commands (column 3, lines 43-62) [The speech input by the user is supplied to the speech recognizer which generates an output];

means automatically for identifying data sources and voice repositories pertaining to the identified contexts (column 4, lines 1-17) [The parsed input is subject to further determination then the processor send an indication to the user that the system understood the input]; and

means for automatically identifying information desired by the user by analyzing the recognized voice commands, the identified information pertaining to the identified contexts (column 4, lines 18-54) [The natural language processor 45 invokes the application manager 51 to determine which application should process the request];

a plurality of extractors (Application 52 on FIG. 2) for accessing the identified information from the identified data sources and voice repositories (column 4, lines 18-

54) [The application manager may access any applications B to Z based on the request information]; and

an interpreter (Parser 46 on FIG. 2) for parsing the voice commands recognized using the speech recognizer and the multi-level voice grammars and controlling the telephony platform and the extractors for accessing the requested information (column 4, lines 1-17) [The interpreter 46 accesses grammars and dictionaries to interpret the speech input and the speech input is subjective to further interpretation with the aid of grammars and dictionaries to understand the parsed input].

Johnson discloses a multimodal interface which allows various combining spoken input but fails to disclose a telephony platform.

However, Milewski teaches a telephony platform (28 on FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Johnson using the telephony platform as taught by Milewski.

This modification of the Johnson invention enables a telephone call to the system so that the user would access the system remotely.

Regarding **claim 2**, Milewski teaches the telephony platform provides a point of presence for placing phone calls to the system (column 3, lines 1-32).

Regarding **claim 3**, Milewski teaches the telephony platform supports various standard telephony features (column 5, lines 9-15).

Regarding **claim 4**, Johnson discloses the voice grammars support main and auxiliary voice commands (column 5, lines 1-17).

Regarding **claim 6**, Johnson discloses each of the plurality of extractors is specific to a particular data source and voice repository (column 4, lines 18-53).

Regarding **claim 7**, Johnson discloses wherein the plurality of extractors are activated by the server (column 4, lines 18-53).

Regarding **claim 8**, Johnson discloses the plurality of extractors extract information from the data sources and voice repositories (column 4, lines 18-53).

Regarding **claim 9**, Lennig as applied to **claim 8** differs from **claim 9**, in that it fails to disclose a VoiceXML generator.

However, Milewski teaches the extracted information is passed to a VoiceXML generator (column 3, lines 33-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a VoiceXML generator of Milewski in the invention of Lennig.

The modification of the invention would offer the capability of a VoiceXML generator such as the system would render the associate information when it sent.

Regarding **claim 10**, Milewski teaches the VoiceXML generator converts the information into a VoiceXML stream (column 3, lines 33-46).

Regarding **claim 11**, Milewski teaches wherein the interpreter has a VoiceXML parser for parsing the VoiceXML streams (column 3, lines 33-46).

Regarding **claim 13**, Johnson discloses the interpreter redirects information to peripheral devices (column 4, lines 1-17).

Regarding **claim 14**, Milewski teaches wherein the interpreter controls a text to speech software to read back the VoiceXML stream to the user (column 3, lines 33-46).

Regarding **claims 15 and 28**, Johnson and Milewski disclose all the limitations of **claims 15 and 28** as stated on **claim 1** and further more Johnson discloses presenting the extracted information to the user (column 4, lines 18-53) [The response generator 54 generates a response appropriate to the nature of request].

Johnson discloses computer access of the system but fails to disclose logging on by a user.

However, Milewski teaches logging on by a user (column 2, lines 41-63) [The registry maintains information of the user logged in the system].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Johnson using the register as taught by Milewski.

This modification of the Johnson invention enables the logged in of every user to the system so that the user would access the system using a password.

Regarding **claims 19 and 31**, Johnson discloses wherein the recognizing step comprises matching the voice commands with voice grammars (column 4, lines 18-53).

Regarding **claims 20 and 32**, Johnson discloses parsing the received information (column 4, lines 1-17); and

directing the information to a server that activates the relevant extractor (column 4, lines 1-17).

Regarding **claim 21**, Milewski teaches wherein the directing step uses the Hyper Text Transfer Protocol (column 3, lines 33-46).

Regarding **claims 22 and 33**, Johnson discloses activating the extractors to extract the information from the data sources and voice repositories (column 4, lines 18-53); and

Johnson fails to disclose a VoiceXML Generator.

However, Milewski teaches converting the extracted information to a VoiceXML stream by a VoiceXML Generator (column 3, lines 33-46).

Regarding **claims 23 and 34**, Milewski teaches parsing the VoiceXML stream by an interpreter (column 3, lines 33-46); and performing an actionable step (column 3, lines 33-46).

Regarding **claims 24 and 35**, Milewski teaches the performing step further comprises reading the VoiceXML stream to the user using text to speech engine (column 3, lines 33-46).

7. **Claims 5, 12, 25-26 and 36-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Milewski and further view of Lennig et al. (US 5,479,488).

Regarding **claim 5**, Johnson and Milewski as applied to **claim 1** above differ from **claim 5**, in that it fails to disclose the voice grammars support many languages.

However, Lennig teaches (column 6, lines 1-11).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Johnson using the vocabulary as taught by Lennig.

This modification of the Johnson invention enables the use of multiple languages so that the user would select a preferred language accessing the system.

Regarding **claim 12**, Lennig teaches the interpreter controls the telephony platform for placing outbound calls, putting the calls on hold, and later reconnecting with the calls put on hold (column 5, lines 1-15).

Regarding **claims 25 and 36**, Lennig teaches the performing step further comprises emailing the extracted information to a user specified address (column 6, lines 34-53).

Regarding **claims 26 and 37**, Lennig teaches the performing step further comprises faxing the extracted information to a user specified number (column 6, lines 34-53).

Allowable Subject Matter

8. **Claims 16-17, 27, 29 and 38** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding **claims 16 and 29**, the prior art at this time fails to disclose placing a call to a telephony platform by the user; holding the call on an incoming leg by the telephony platform; creating an outbound leg by the telephony platform to a server; and authenticating the user

Regarding **claims 27 and 38**, the prior art at this time fails to disclose the interpreter controls the telephony platform for placing outbound calls, putting the calls on hold, and later reconnecting with the calls put on hold.

Response to Arguments

10. Applicant's arguments with respect to **claims 1-15, 19-26, 28 and 31-38** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER
g.g.

June 13, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang', written over the printed name and title.